

RESOLUTION NO. 2004-61

RESOLUTION OF THE CITY COUNCIL ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 93-1 DETERMINING TO CONTINUE THE PUBLIC HEARING ON THE ANNEXATION OF LAND AND ESTABLISHMENT OF IMPROVEMENT AREA NOS. 19A THROUGH 19F AND THE NECESSITY TO INCUR BONDED INDEBTEDNESS DUE TO THE COMPLEXITY OF THE PROPOSED IMPROVEMENT AREAS AND THE NEED FOR PUBLIC PARTICIPATION

WHEREAS, the City Council (the "City Council") of the City of Beaumont (the "City") has established Community Facilities District No. 93-1 (the "Community Facilities District") under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982" (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California;

WHEREAS, the City Council has received a Petition (including Consent and Waiver) from the owners of certain land to annex such property to the Community Facilities District and to establish Improvement Area Nos. 19A through 19F (each an "Improvement Area" and collectively, "Improvement Area Nos. 19A through 19F" or the "Improvement Areas") to include such property as separate improvement areas, and to levy a special tax and authorize bonded indebtedness in an amount as provided in Exhibit D hereto to finance public facilities, including incidental expenses to be incurred in connection therewith, and services for each Improvement Area as provided in Exhibit B hereto; and

WHEREAS, the City Council has adopted Resolution No. 2004-45 on August 17, 2004 determining to institute proceedings to annex land and establish the Improvement Areas and to authorize bonded indebtedness to finance facilities and services as described therein and has set a date, time and place for a public hearing relating thereto;

WHEREAS, due to the complexity of the annexation of the land and creation of the Improvements Areas and the need for public participation, the City Council had previously determined to continue the public hearing to a date certain pursuant to Resolution No. 2004-60, which resolution is hereby superceded and replaced by this Resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT AS FOLLOWS:

Section 1. Recitals. All of the above recitals are true and correct.

Section 2. Public Hearing. The public hearing is hereby continued and notice is given that on the 16th day of November, 2004, at the hour of 6:00 o'clock P.M., or as soon thereafter as the matter may be heard, at the regular meeting place of the City Council, 550 East Sixth Street, Beaumont, California 92223, a public hearing will be held at which the City

Council shall consider the annexation of land to the Community Facilities District and the establishment of Improvement Area Nos. 19A through 19F and authorization to incur bonded indebtedness for Improvement Area Nos. 19A through 19F and the levy of a special tax pursuant to the respective Rate and Method of Apportionment and all other matters as set forth in Resolution of Intention No. 2004-45 (the "Resolution of Intention"). At the above-mentioned time and place for such public hearing, any persons interested, including all taxpayers, property owners and registered voters within proposed Improvement Area Nos. 19A through 19F, may appear and be heard, and the testimony of all interested persons or taxpayers for or against the matters set forth in this Section and in the Resolution, will be heard and considered.

Any protests may be made orally or in writing, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing.

If written protests against the annexation of the Property within an Improvement Area to the Community Facilities District and the establishment of Improvement Area Nos. 19A through 19F and authorization to incur bonded indebtedness for Improvement Area Nos. 19A through 19F and the levy of a special tax pursuant to the respective Rate and Method of Apportionment and all other matters as set forth in this Resolution are filed by fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is greater, residing within an Improvement Area, or by the owners of one-half (½) or more of the area of land in the territory included in an Improvement Area, and such protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings with respect to such Improvement Area on such matters shall be undertaken for a period of one year from the date of decision of the City Council.

Section 3. Resolution of Intention Incorporated. All terms of the Resolution of Intention pertaining to the public hearing and the election shall apply and are incorporated herein.

Section 4. Notice of Public Hearing. Notice of the time and place of the public hearing shall be given by the City Clerk in the following manner: A Notice of Public Hearing in the form required by Section 53335 of the Act shall be published in *The Record Gazette*, a newspaper of general circulation published in the area of Improvement Area Nos. 19A through 19F, which such publication shall be made pursuant to Section 6061 of the Government Code, and shall be completed at least seven (7) days prior to the date set for such public hearing; further, a Notice of Public Hearing in the form referenced in Section 53335 of the Act may be sent by first-class mail, postage prepaid, to each registered voter and to each landowner within Improvement Area Nos. 19A through 19F, as shown on the last equalized assessment roll or other records of the City. Said mailing shall be completed not less than fifteen (15) days prior to the date of such public hearing.

Section 5. Further Actions. The officers of the City and their authorized representatives, are, and each of them acting alone is, hereby authorized to execute any and all documents and agreements and do and perform any and all acts and things, from time to time, consistent with this Resolution and necessary or appropriate to carry the same into effect and to carry out its purpose.

Section 6. Effect. This Resolution shall take effect immediately upon its adoption.

MOVED, PASSED AND ADOPTED this 2nd day of November, 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAYOR OF THE CITY OF BEAUMONT

ATTEST:

CITY CLERK

CERTIFICATION

The foregoing is certified to be a true copy of Resolution No. 2004-61 duly adopted by the said City Council of the City of Beaumont on the date herein set forth.

CITY CLERK, CITY OF BEAUMONT